

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

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| MIRANDA RAYBURN, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| vs. |) | Case No. 4:12-CV-1410 (CEJ) |
| |) | |
| LEZGI MOTORS, INC., et al., |) | |
| |) | |
| Defendants. |) | |

MEMORANDUM AND ORDER

This matter is before the Court on plaintiff’s motion for sanctions against defendant, ATN Express, Inc. The defendant has filed a response in opposition and the issues are fully briefed.

Plaintiff asserts that defendant has failed to comply with the Court’s order compelling defendant to answer plaintiff’s first set of interrogatories,¹ and has failed to produce a corporate representative for deposition. Counsel for defendant explains that ATN Express, Inc. has been dissolved, and counsel has been unable to contact the corporation’s former owner or officer. Counsel finally made contact with a former employee of their client, and are “currently in the process of working with [that employee] to determine his ability to participate and assist in responding to the discovery requested by Plaintiff counsel.”

Because defendant’s counsel is making a good faith effort to locate defendant’s employees and cooperate with plaintiff’s counsel in responding to discovery requests, no sanctions are warranted.

Accordingly,

¹While answers were submitted, they bore the signature of defendant’s attorney, and not of the party answering the interrogatory, and were not accompanied by an affidavit.

IT IS HEREBY ORDERED that plaintiff's motion for sanctions [Doc. # 73] is denied.

IT IS FURTHER ORDERED that defendant shall have until April 25, 2014, to submit signed answers to plaintiff's first set of interrogatories accompanied by an affidavit as required by Fed.R.Civ.P. 33.

Failure to comply with this Order may result in the imposition of sanctions authorized under Rule 37(b)(2).



CAROL E. JACKSON
UNITED STATES DISTRICT JUDGE

Dated this 10th day of April, 2014.